

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

Charlotte Loquasto, et al.

Plaintiffs,

vs.

Fluor Corporation, Inc., et al.

Defendants.

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Civil Action No. 3:19-CV-01455-B

(Consolidated with
Civil Action No. 3:19-CV-01624-B)

**ALLIANCE PROJECT SERVICES, INC.’S JOINDER TO
DEFENDANTS FLUOR CORPORATION, INC., FLUOR ENTERPRISES, INC.,
FLUOR INTERCONTINENTAL, INC., AND FLUOR GOVERNMENT GROUP
INTERNATIONAL, INC.’S RULE 12(B)(1) MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION UNDER
THE POLITICAL QUESTION DOCTRINE AND, ALTERNATIVELY,
RULE 56 MOTION FOR SUMMARY JUDGMENT UNDER
28 U.S.C. § 2680(j) (COMBATANT ACTIVITIES PREEMPTION)**

Defendant Alliance Project Services, Inc. (“APS”) joins Defendants Fluor Corporation, Inc., Fluor Enterprises, Inc., Fluor Intercontinental, Inc., and Fluor Government Group, Inc.’s Rule 12(B)(1) Motion To Dismiss For Lack Of Subject Matter Jurisdiction Under The Political Question Doctrine And, Alternatively, Rule 56 Motion For Summary Judgment Under 28 U.S.C. § 2680(J) (Combatant Activities Preemption) (“Motion”) as follows:

1. As alleged in their Petitions, Plaintiffs’ claims arise from a suicide bombing by Ahmed Nayeb, an Afghan national, at the Bagram Airfield (“BAF”), which is located in Bagram, Afghanistan that occurred on November 12, 2016. (*See Loquasto* Petition at pp. 2-5, 22-31) [3:19-CV-01455-B: Dkt. No. 1-3 at pages 7-10, 27-36.] (*See Branch* Petition at pp. 1-3, 6-1.) [3:19-CV-01624-B: Dkt. No. 1-3 at pages 5-7, 10-14.] Plaintiffs allege “Nayeb was an employee

of Defendant APS and was primarily supervised and managed by the Fluor Defendants.” (*See Loquasto* Petition at p. 22) [3:19-CV-01455-B: Dkt. No. 1-3 at page 27.] (*See Branch* Petition at p. 7) [3:19-CV-01624-B: Dkt. No. 1-3 at page 11.]

2. Plaintiffs allege the same negligence claims against Defendants Fluor Corporation, Inc., Fluor Enterprises, Inc., Fluor Intercontinental, Inc., and Fluor Government Group, Inc. (collectively, “Fluor”) as they allege against APS. (*Compare Loquasto* Petition at p. 24; *with Loquasto* Petition at pp. 30-31) [3:19-CV-01455-B: Dkt. No. 1-3 at pages 29, 35-36.] (*Compare Branch* Petition at p. 9 *with Branch* Petition at p. 10) [3:19-CV-01624-B: Dkt. No. 1-3 at pages 13-14.]

3. Citing government documents, testimony of the two persons who Plaintiffs chose to depose as part of the jurisdictional discovery permitted by the Court, and related records, Fluor’s Motion and supporting documents establish that the United States Military—in the exercise and implementation of its judgment, decision-making powers, policy-making authority, intelligence gathering, and strategies, both initially and on an ongoing basis—made determinations with regard to force protection and security at BAF that are at the crux of Plaintiffs’ claims and the defenses thereto asserted by Fluor and APS.

4. The facts, arguments, and supporting law set forth in Fluor’s Motion apply with equal force to Plaintiffs’ claims against APS, and the Court should dismiss Plaintiffs’ claims against APS because the claims raise non-justiciable political questions under *Baker v. Carr*, 369 U.S. 186 (1962) and its progeny, and because Plaintiffs’ claims are preempted under the Federal Tort Claims Act’s combatant activities exception. *See* 28 U.S.C. § 2680(j).

THEREFORE, APS respectfully joins the Flour Motion and requests that the Court dismiss Plaintiffs’ suit against APS.

File Date: March 23, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on this 23rd day of March, 2020, a true and correct copy of the foregoing document was served on counsel of record for the parties through the CM/ECF system in accordance with the Federal Rules of Civil Procedure.

/s/ David Grant Crooks
David Grant Crooks